



Fw: Important From Day to Jae Douglas & Richard Kauffman

Alan Henning, Chad Schulze, Elizabeth
Richard Kauffman to: Allen, Erin Halbert, Harold Rogers, Kay
Morrison, Linda Liu, Mark Macintyre, Scott

07/19/2011 12:20 PM

History: This message has been replied to.

CAPT Richard R. Kauffman, M.S.
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----- Forwarded by Richard Kauffman/R10/USEPA/US on 07/19/2011 12:20 PM -----

From: <esseneinfo@aol.com>
To: (b) (6), <rkauffman@cdc.gov>
Cc: (b) (6)
<jae.p.douglas@state.or.us>, (b) (6)
Date: 07/17/2011 11:32 PM
Subject: Important From Day to Jae Douglas & Richard Kaufman

Greetings Captain Kauffman and Jae Douglas,
note that this email is also being sent to the following key persons (b) (6)

* Dan and Marijana Gee (email: (b) (6))

* Jan Wroncy and Gary Hale (b) (6)

* Justin Workman and Eron King (b) (6)

Richard and Jae,

Greetings to you both.

Thanks for coming to Triangle Lake and staying to the late hours with us!

Let's get right down to business.

The three couples named above (Dan&Marijana; Gary&Jan; Justin&Eron) plus me and my wife
(Day&Neila) (b) (6)

Since the meeting at the Grange Hall, several important items have been discussed that seem so critical that I am composing this email.

In this email I will share info on:

1) My own offer, which is contingent on certain agreements on your part, to share all or most of the Dr Barr results with your team. (In the agreement I made with Dr Barr when I secured her agreement to conduct the tests, she agreed that only I would maintain legal right to all of the information, that all others who were tested would have the right to receive their own results only; I then made an additional agreement with each person who submitted a sample: that I won't share their information without their permission.)

2) The Gees offer to help fund the proposed air study.

3) Ongoing communications.

In regard to number one, though I am the one person with the legal right to share the Dr Barr test results in full (after getting each person's permission which I do not expect to be hard), I have been reluctant to for the following reason. An attorney advised that if we were to go to court in the future, its best to have that kind of ammunition kept under the hat. However, I did not sign yet to be represented by an attorney, because what I want is changed laws not a financial settlement. Nevertheless, I will only share the results with your team if their is compelling enough reason.

The following agreements on your part would be necessary for me to share the full results of the Barr study, which would include the locations where people live and their before-and-after levels of both atrazine and 2,4-D.

1. I have been told by Gary Hale, an addressee of this email, that when he offered to provide your team with a number of POCIS test strips that had been placed in streams near the recent aerial sprays and were in the water during the key sprays of April 8 and 19, that they were turned down because at least one PARC agency (I'm guessing Ag?) felt that it would not be appropriate due to the fact that Gary is part of a group lawsuit that alleges the unconstitutionality of a portion of the Oregon Right to Farm Act (that provision effectively prevents anyone but the very wealthy to file a chemical trespass suit against a timber company, though the Oregon constitution specifically states that every Oregonian will have the right to see redress by lawsuit). In order for me to provide the full Dr Barr results -- which you would use not as material in your new study but as a valuable reference point for your study -- I need to feel confident that the study is taking advantage of already existing key information without prejudice to its source as long as the evidence itself is unimpeachable. **THUS I HEREBY ASK THAT YOU RECONSIDER ACCEPTING THE POCIS TEST STRIPS** for the following two reasons: 1) Like the Dr Barr results, you can make clear that these strips will be only for comparison with any material later generated by the new study and will not be relied upon as more than a pointer in the direction of a possible good source to test. 2) The stated reason for denial of acceptance of the task of taking on the lab work related to the POCIS strips -- Gary's involvement with an unrelated lawsuit -- is solved by Gary stepping back from that and instead Eron King or Marijana Gee offer you the very same test strips since they were just as involved in the project. Note: The reason I ask that you reconsider also includes a very practical one: we want these results made available and do not have the funds to hire a lab ourselves. Even while this email is being written, Gary continues to look into all possibilities.

2. Besides asking you to reconsider accepting the POCIS strips, and regardless of your acceptance or rejection of that, we hereby assert that the most logical people to participate in your current test **(b) (6)**

[REDACTED] that would be enough new people to be an interesting comparison with the original Barr testees while being also enough of the original group to take advantage of a comparrison between the original Barr results and the new ones for those twenty. Of the new sixteen people added for the new tests, we suggest that they be chosen from two groups: a) People who sign up with you who live in the closest proximity to the most likely spray locations and do not have financial conflict of interest (do not earn money from the use of herbicides in commercial forestry; we insist on this provision because we are aware that industry is trying to get their own handful of people that live in the area to mess up this process however they can, and, it is not proper to include persons with overt financial conflict of interest (eg if you get contacted by Sandy and Jeff Newman -- i'm not sure of that spelling -- be aware that though they live here they are timber people who use pesticides and are currently serving as industry agents of a sort; they certainly have an overt financial conflict of interest) in your new batch of testees. Nobody in our group of 34 original Barr-testees have that sort of overt financial conflict of interest. Only by including all or many of the original Barr-testees can all of us -- we along with you -- have the scientific benefit of comparing the original testees results with what follows.

In terms of ongoing communication, at least two speakers at the Grange Hall event suggested that a community spokes person be selected from amongst the first batch of testees. However, I hereby suggest something a bit different: **(b) (6)**

[REDACTED] The specific emails and names: esseneinfo@aol.com for Day/Neila **(b) (6)** for Dan/Marijana

(b) (6) for Justin and Eron

(b) (6) for gary (b) (6) for Jan You can refer to our group as "The Barr Group" and to our four-family leadership group as "Representatives of the Barr Group".

Assuming that you have no problem with recognizing that we at the very least represent a key constituency related to this study and will therefore want to enter into formal and ongoing communication with us, I would ask that when you communicate to us as a group simply use the email addresses just provided and that we will continue to address our communications to both Richard and Jae, assuming that you can provide copies to any other members of your team as may be appropriate.

In the following email written by Marijana and sent earlier to Captain Kauffman, Marijana Gee offered to assist financially in regard to the funding for the air component. Read her email directly beneath. I sign off for now, Day Owen

Richard,

Dan and I are very interested in helping to fund the study of **air** (per our brief conversation at the end of our Town Hall meeting) ,through an organization,so it's legitimate,with your group leading the study.We funded the pilot no spray project for 8 miles on HWY 36 through the OTA (you met Lisa Arkin).

We had an organization (Walama) who hired people to cut the brush ,weeds ,so called invasive species manually,and then ODOT who agreed to do this pilot project agreed to mow ,instead of spraying.We funded the project 1st and 2 nd year (2011) through the OTA ,and so far payed over 18,000 dollars.We are committed to keep this project going every year.

What we would like to do , is something similar in order to study air ,volatalization,re volatalization , fog , throughout one year period in our area.The reason why we would like it to be 12 month study is to be able to see what happens during the off spray seasons ,as far as volatalization goes (see the attachment,please).

This can possibly give us some answers on why our pesticide urine levels where present during winter base line sampling.This will show us how many months of the year we are getting low level toxic exposure.

We were envisioning air monitoring stations at different locations ,of the lands of people that we trust ,that got tested positive in our first group testing with Dr. Dana Barr.

Gary Hale suggested these air monitoring stations:

<http://www.fjspecialty.com/highvol.htm>

Please let us know your thoughts.

Thank you!

The Gees